

Arthur H. Aizley (AA-5049)
SEDGWICK LLP
125 Broad Street, 30th Floor
New York, New York 10004-2400
Tel: (212)422-0202
Fax: (212) 422-0925

Michael R. Davisson (*Admitted Pro Hac Vice*)
Valerie D. Rojas (*Admitted Pro Hac Vice*)
SEDGWICK LLP
801 S. Figueroa Street, 19th Floor
Los Angeles, California 90017
Tel: (213) 426-6900
Fax: (213) 426-6921
Attorneys for Defendant CUMIS INSURANCE SOCIETY

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NEW YORK

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SUFFOLK FEDERAL CREDIT UNION,

Case No. 10-CV-00001 (ADS) (ETB)

Plaintiff,

-against-

CUMIS INSURANCE SOCIETY, INC.,

Defendant.

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**DECLARATION OF ARTHUR H. AIZLEY IN SUPPORT OF DEFENDANT CUMIS
INSURANCE SOCIETY, INC.'S OPPOSITION TO PLAINTIFF SUFFOLK FEDERAL
CREDIT UNION'S MOTION FOR RECONSIDERATION OF THE COURT'S 12/15/2012
MEMORANDUM OF DECISION AND ORDER**

I, Arthur Aizley, declare:

1. I am an attorney licensed to practice in the State of New York and am admitted to practice before the United State District Court, for the Eastern District of New York. I am affiliated with the law firm of Sedgwick, LLP counsel of record for defendant CUMIS Insurance Society, Inc (hereinafter referred to as "Defendant" and or "CUMIS"). The following is within my personal knowledge and if called as a witness I could and would competently testify thereto.

2. I am one of the attorney's responsible for the present matter and in this capacity have personal knowledge of the facts set forth in this declaration. If called as a witness I would testify as set forth herein.

3. Attached as Exhibit 1 hereto is a true and correct copy of the deposition of Rosemary Newbeck, taken on September 13, 2011, pages 1-2, 8, 13-15, 20-26, and 49.

4. Attached as Exhibit 2 hereto is a true and correct copy of the FRCP 26 Disclosure of CUMIS expert Duross O'Bryan (with information concerning the Suffolk/Fannie Mae settlement redacted).

5. Attached as Exhibit 3 hereto is a true and correct copy of the deposition of Bruce Simpson, taken on July 14, 2011, pages 1-2, 34-36, 45 and 79-81.

6. Attached as Exhibit 4 hereto is a true and correct copy of the deposition of Robert Maimoni, taken on July 28, 2011, pages 1-2, 9-10, 33-35, 41-42 and 46-47. Exhibit 4 is an exact replica of Exhibit 20 to CUMIS' Appendix of Exhibits filed on May 23, 2012 in support of CUMIS' Motion for Summary Judgment and Exhibit 9 to CUMIS' Appendix of Exhibits filed on June 22, 2012 in support of CUMIS' Opposition to Suffolk's Motion for Partial Summary Judgment.

7. Attached as Exhibit 5 hereto is a true and correct copy of the deposition of Stephanie Leszcynski-Johnsen, taken on July 7, 2011, pages 1-2, 14, 38, 57-59 and 66.

8. Attached as Exhibit 6 hereto is a true and correct copy of the deposition of Lisa Mingoia, taken on July 27, 2011, pages 1-2, 8-10, 29-30, 32-35, and 60.

9. Attached as Exhibit 7 hereto is a true and correct copy of the deposition of John Klag,

taken on July 13, 2011, pages 1-2, 12, 17, 23-25, and 28.

10. Attached as Exhibit 8 hereto is a true and correct copy of the deposition of William O'Brien, taken on July 21, 2011, pages 1-2, 11, 32 and 48-49.

11. Attached as Exhibit 9 hereto is a true and correct copy of the deposition of Lorna Curtin, taken on July 25, 2011, pages 1-2 and 107 and exhibit 123 to Ms. Curtin's deposition.

12. Attached as Exhibit 10 hereto is a true and correct copy of the deposition of Michael McGrath, taken on June 29, 2011, pages 1-2, 81-84 and 115.

13. Attached as Exhibit 11 hereto is a true and correct copy of Suffolk's 56.1 Statement, filed in support of Suffolk's Motion for Partial Summary Judgment on May 23, 2012.

14. All of the Exhibits attached to this declaration were attached to CUMIS' Appendix of Exhibits filed on May 23, 2012 in support of CUMIS' Motion for Summary Judgment.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Executed this 16th day of January, 2013 at New York, New York.

/s/Arthur H. Aizley
Arthur H. Aizley

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 16th day of January 2013, I caused a true and correct copy of the foregoing **DECLARATION OF ARTHUR H. AIZLEY IN SUPPORT OF DEFENDANT CUMIS INSURANCE SOCIETY, INC.’S OPPOSITION TO PLAINTIFF SUFFOLK FEDERAL CREDIT UNION’S MOTION FOR RECONSIDERATION OF THE COURT’S 12/15/2012 MEMORANDUM OF DECISION AND ORDER** to be served by the method indicated below, and addressed to the following:

- ☒ ECF - by transmitting via email through the Electronic Filing System (“ECF”) the document(s) listed above to the email addresse(s) set forth in the attached Service List below on this day.

Jessie F. Beeber
Patrick J. Boyle
Amelia K. Seewan
Jeremy S. Goldman
Frankfurt, Kurnit, Klein & Selz, P.C.
488 Madison Avenue
New York, New York 10022

Attorneys for Plaintiff
Suffolk Federal Credit Union
Tel: (212) 422-0202
Fax: (212) 422-0925

Email: jbeeber@fkks.com
pboyle@fkks.com
aseewann@fkks.com
jgoldman@fkks.com

Executed on January 16, 2013, at New York, New York.

/s/ Arthur H. Aizley (AA-5049) _____
Arthur H. Aizley